

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JUAN TAPIA et al., :
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Plaintiffs, :
: 21-CV-8778 (VSB)
-against- :
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SUPER NORIEGA, LLC et al., :
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Defendants. :
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ORDER

VERNON S. BRODERICK, United States District Judge:

On August 7, 2023, pursuant to Local Civil Rule 1.4, counsel for Plaintiffs requested that their representation of Plaintiffs Mario Zamudio, Jesus Ramirez, Alfonso Perez, Saul Perez, Wenceslao Martinez, and Oscar Paz Barojas be withdrawn. (Doc. 61.) On August 22, 2023, I denied this request, and, in accordance with Local Civil Rule 1.4, directed counsel to (1) inform me as to whether they were asserting a retaining or charging lien; and (2) clarify the manner in which they had previously communicated with Plaintiffs Mario Zamudio, Jesus Ramirez, Alfonso Perez, Saul Perez, Wenceslao Martinez, and Oscar Paz Barojas, to allow me to determine whether service of this application upon Plaintiffs' last known home addresses was sufficient. (Doc. 63.) On October 4, 2023, counsel for Plaintiffs complied with my order, and on October 5, 2023 I directed the Clerk of Court to remove CSM Legal, P.C. as counsel of record for Plaintiffs Mario Zamudio, Jesus Ramirez, Alfonso Perez, Saul Perez, and Oscar Paz Barojas. (Doc. 66.) As indicated in its letter, CSM Legal, P.C. would continue to represent Plaintiffs Yoel Julian, Wenceslao Martinez, and Juan Tapia. (Doc. 65). However, to date, Plaintiffs Yoel Julian, Wenceslao Martinez, and Juan Tapia and the Defendants have not submitted a finalized settlement.

Further, in my October 5, 2023 order I informed Plaintiffs Mario Zamudio, Jesus Ramirez, Alfonso Perez, Saul Perez, and Oscar Paz Barojas that they had 60 days to retain new counsel. I directed them to submit a letter by December 5, 2023 informing me as to whether they had retained new counsel or sought to proceed pro se. However, to date, these Plaintiffs have failed to comply with my order.

Accordingly, it is hereby:

ORDERED that by February 5, 2024, Defendants and Plaintiffs Yoel Julian, Wenceslao Martinez, and Juan Tapia submit their finalized settlement.

IT IS FURTHER ORDERED that by February 5, 2024, Plaintiffs Mario Zamudio, Jesus Ramirez, Alfonso Perez, Saul Perez, and Oscar Paz Barojas comply with my previous order to submit a letter informing me as to whether they have retained new counsel or seek to proceed pro se. If these Plaintiffs fail to do so or otherwise demonstrate that they intend to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Plaintiffs' former counsel, CSM Legal, P.C., is directed to provide a copy of this order to its former clients by no later than January 29, 2024. If these Plaintiffs intend to proceed pro se, it is their responsibility to provide the Pro Se Office with their addresses.

SO ORDERED.

Dated: January 22, 2024
New York, New York



VERNON S. BRODERICK
United States District Judge